

1816

REMARKS

Claim 1 has been amended to more clearly recite the inventive subject matter. Additionally, the subject matter of former claim 2 has been incorporated into amended claim 1, and therefore claim 2 has been canceled without prejudice or disclaimer.

Claims 1 through 6 were rejected as anticipated by the McKnight '912 reference. In that regard, claim 1 has been amended to clarify that the center attachment member is mounted on the tractor body (see paragraph [0014] of the present specification and Figure 1 of the drawings), and that an end of the extendable center rod is pivotally connected to the center attachment member of the tractor body between the tractor-mounted lifting arms. Additionally, the inclination of the loader arms previously claimed in claim 2 is now included in claim 1 as hereinabove amended.

In contrast with the structural arrangement recited in amended claim 1, in the McKnight device an end of hydraulic cylinder 36 is connected at pivot 37 to diagonal braces 21 of bucket support frame 11, not to a center attachment member on the tractor body. And in the claimed invention the outer ends of the loader arms 5, 6, which are attached to respective tractor-mounted lifting arms, as well as the outer end of the extendable center rod, are connected to the working implement. In the McKnight arrangement, however, when a different working implement than the disclosed bucket is intended to be utilized with tractor 9, because both the bucket 10 and the bucket support frame 11 are connected together as a unit, the disconnection of that unit from the tractor also

1816

disconnects the hydraulic cylinder 36. Consequently, the different working implement cannot be tilted by the hydraulically extendable hydraulic cylinder, because that cylinder is no longer present – it has been removed along with the bucket and bucket support frame. With the present loader apparatus as claimed, a working implement other than a bucket can be both lifted by the loader arms and tilted by the hydraulically extendable center rod, because the center rod is connected with the tractor body, not to a removable frame assembly as in McKnight. Accordingly, the invention as it is claimed in amended claim 1 is not anticipated by the McKnight reference.

Claims 3-5 each depend from amended claim 1, either directly or indirectly, and therefore each of those dependent claims is also not anticipated by the McKnight reference, and for the same reasons as are given above in connection with amended claim 1. Furthermore, the dependent claims include additional recitations that further distinguish the invention as so claimed from the teachings of that reference.

Claim 7 was rejected as obvious based upon the McKnight reference. But claim 7 also depends from amended claim 1, which recites subject matter that is not shown nor suggested in the McKnight reference, as is discussed above. Thus, the McKnight reference does not render obvious the invention as claimed in claim 7.

Claim 8 was rejected as obvious based upon the combination of the McKnight reference and the Hare '796 reference. However, as was the case with the McKnight reference, the Hare reference

1816

Claim 8 was rejected as obvious based upon the Langenfeld et al. reference in combination with the Hare '796 reference, the latter of which was cited merely for its disclosure of the use of cotter pins or the loader arms abutting the lifting arms, which the examiner acknowledged the Langenfeld et al. reference did not disclose.

The Hare reference was cited for showing loader arms secured to lifting arms by means of cotter pins. However, even in the Hare reference the tilting function is provided not by hydraulically operated elements, but instead by the manually operated actuating means in the form of rope 112 (see Hare, col. 4, lines 21 through 24). Moreover, the adjustable top link in the form of hydraulic cylinder 28 is not pivotally connected with a center attachment member of the tractor body. Instead it is pivotally connected with a link 26. The Hare reference is thus both structurally and functionally different from the invention as it is claimed in amended claim 1, from which claim 8 depends.

Even if the McKnight and Hare references were to be combined, it is not at all apparent which elements of which reference are to be combined with which elements of the other reference, and which elements of which reference are to be omitted from any combination of the teachings of the two references. And because the references are structurally different and do not contain any teaching or suggestion as to precisely how they could be combined to arrive at the

1816

invention as claimed, apparently the only motivation for combining the references in the manner the examiner has done is the disclosure of the present application. But it is an improper basis for rejection to use as a road map or as a template an inventor's disclosure to aid in picking and choosing particular parts of particular references that allegedly can be combined to render obvious that which only the inventor has taught.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Consequently, this application is believed to be in condition for allowance, and reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



August 25, 2008

Alfred J. Mangels
Reg. No. 22,605
4729 Cornell Road
Cincinnati, Ohio 45241
Tel.: (513) 469-0470